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PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997

International Commission of Inquiry in Rwanda

Revised estimates under section 3, Peace-keeping operations and special missions; section 32, Staff assessment, and income section 1, Income from staff assessment

Fifth Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the Commission of Inquiry in Rwanda (A/C.5/50/27). During its consideration of the report, the Advisory Committee met representatives of the Secretary-General, who provided additional information.

2. The Security Council, in its resolution 1011 (1995) of 16 August 1995, requested the Secretary-General to make recommendations, as soon as possible, on the establishment of a commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandan government forces in the Great Lakes region of Central Africa.

3. In its resolution 1013 (1995) of 7 September 1995, the Security Council requested the Secretary-General to establish, as a matter of urgency, an International Commission of Inquiry. The Council recommended that the Commission be appointed by the Secretary-General and be composed of 5 to 10 impartial and internationally respected persons, including legal, military and police experts, under the chairmanship of an eminent person, and assisted by the appropriate support staff.

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4. In the same resolution, the Council requested the Secretary-General to report to it on the establishment of the Commission, and further requested him, within three months from the establishment of the Commission, to submit an interim report on the conclusions of the Commission and, as soon as possible thereafter, to submit a final report containing its recommendations.

5. The Advisory Committee, in its letter of 31 October 1995, concurred in the Secretary-General's request to enter into commitments in an amount not exceeding $424,400 gross or $397,300 net for the cost of the establishment of the International Commission in Rwanda for the period from 1 November to 31 December 1995. This request was made under paragraph 3 of General Assembly resolution 49/229 of 23 December 1993 on unforeseen and extraordinary expenses for the biennium 1994-1995.

6. The Secretary-General estimates total requirements for the Commission for the period from 1 November 1995 to 30 April 1996 at $1,162,000 gross or $1,080,700 net, as indicated in paragraph 9 of the Secretary-General's report. Supplementary information is given in the annex to the report. The net amount comprises the expenditures of the Commission for the period from 1 November to 31 December 1995 of $392,100 net, plus an amount of $688,600 estimated in 1996.

7. The Advisory Committee notes from paragraph 10 of the Secretary-General's report that the cost of equipment and furniture transferred from the United Nations Assistance Mission for Rwanda (UNAMIR) is estimated at $22,000. However, the Advisory Committee was informed that this estimate does not include the cost of air support, vehicles and communication provided to the Commission by other missions in the area (see para. 16 below). This information should be provided in the context of the first performance report on the programme budget for 1996-1997.

8. With regard to the duration of the operation of the Commission, the Advisory Committee recalls that the Security Council, in its resolution 1013 (1995), requested the Secretary-General, within three months from the establishment of the Commission, to submit an interim report on the conclusions of the Commission and, as soon as possible thereafter, to submit a final report containing recommendations of the Commission (see para. 4 above). In this connection, the Advisory Committee notes that the Secretary-General has estimated that the Commission will finish its work within six months.

9. Paragraph 8 of the Secretary-General's report and paragraph 2 of the annex to the report indicate that the headquarters of the Commission will be at Nairobi. Upon inquiry, the Advisory Committee was informed that the choice of Nairobi as headquarters for the Commission was due to the fact that much of the investigation by the Commission is to be undertaken outside Rwanda and that the Nairobi location facilitated travel to and from the places of investigation.

10. According to the Secretary-General, the Commission will be supported by one Military Observer, eight international staff (one P-4, two P-3, one P-2, one General Service and three Security Officers) and six local-level staff. The Committee understands that the Military Observer is required for expert assistance in the identification of arms.

11. With regard to the P-3 post of Security Coordinator, the Advisory Committee was informed that a Security Coordinator was necessary to ensure the safety of the Commission members whenever they travel to the various countries of the Great Lakes region of Central Africa. The Advisory Committee has no objection to this position.

12. Upon inquiry, the Advisory Committee was informed that an Administrative Officer was required in order to prepare financial contracts and to make payments. In view of the functions to be performed by the Administrative Officer, the Advisory Committee trusts that the post will be filled by a staff member and that that person will have sufficient knowledge of United Nations rules and procedures.

13. As far as the need for the post of Legal Officer is concerned, the Advisory Committee was informed that the duties of this person will be to advise the Chairman and provide legal services to the Commission. In this connection, the Advisory Committee recalls and reiterates the comment in its first report on the proposed programme budget for the biennium 1996-1997 1/ that any legal advice given by legal officers carrying out legal functions in the Secretariat other than the Office of Legal Affairs should be consistent with the practice of the United Nations Legal Counsel.

14. The Committee notes that provision for hospitality has been made at the rate of $1,000 a month; this is excessive.

15. In paragraph 11 of his report, the Secretary-General indicated that the activities relating to the Commission were of an extraordinary nature and should be dealt with outside the procedures relating to the contingency fund, as provided for in paragraph 11 of annex I to General Assembly resolution 41/213 of 19 December 1986. In this connection, the Advisory Committee recommends that the expenditures for the period from 1 November to 31 December 1995 in the amount of $419,200 gross or $392,100 net be considered in the context of the second performance report for the biennium 1994-1995. The operations of the Commission in 1996 will give rise to expenditure not exceeding $688,600. Such additional appropriation as may be necessary could be considered by the General Assembly in the context of its review and approval of the proposed programme budget for 1996-1997.

16. With regard to the treatment of the transfer of assets between missions, it is the intention of the Advisory Committee to return to this issue in the context of its consideration of the relevant report of the Secretary-General.

Notes

1/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 7 (A/50/7), part III.24.